

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**ARCLIGHTZ AND FILMS PVT. LTD.  
and ENZO PICTURES LTD.,**

**Plaintiff,**

**-against-**

**VIJENDRA SHETH, a/k/a VIJAY SETH a/k/a  
“VIJAY,” Individually and d/b/a “VIJAY  
VIDEO,” et al.,**

**Defendants.**

**ORDER AND  
REPORT AND  
RECOMMENDATION  
CV-01-7643 (CBA)(SMG)**

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On February 8, 2006, counsel for defendants submitted a letter and supporting affidavit seeking to be relieved as attorney for defendants Vijendra Sheth, Vijay Video, Inc., Deepak Pamnani and Meena Pamnani. Docket Entry 153. According to counsel’s affidavit, these defendants have failed to keep in contact with counsel and counsel has been unable to communicate with them for several months.

By Order dated February 9, 2006, I directed these defendants to appear for a conference at 11:00 a.m. on February 15, 2006 if they wished to be heard in opposition to their counsel’s motion. I further directed counsel for defendants to advise these defendants of my order by overnight mail and to provide proof of mailing to the court.

Counsel for defendants provided the court with proof of mailing at the conference held today. However, none of the defendants listed above appeared at the conference or otherwise responded to my order. Accordingly, I respectfully recommend that counsel’s motion to be relieved as attorney for Vijendra Sheth, Vijay Video, Inc., Deepak Pamnani and Meena Pamnani be granted.

This case is almost ready for trial. By failing to appear for today's conference, defendants Vijendra Sheth, Vijay Video, Inc., Deepak Pamnani and Meena Pamnani have left the court uncertain as to whether they intend to participate in the trial. Moreover, by failing to respond to counsel's efforts to reach them, they have interfered with the preparation of a pretrial order.

Accordingly, defendants Vijendra Sheth, Vijay Video, Inc., Deepak Pamnani and Meena Pamnani are hereby ordered to submit a letter to the court by February 28, 2006, indicating whether they intend to defend the claims against them and, if so, whether they will be proceeding pro se or with new counsel. Any new counsel must enter a notice of appearance by February 28, 2006. I further direct that counsel for defendants promptly provide defendants Vijendra Sheth, Vijay Video, Inc., Deepak Pamnani and Meena Pamnani with a copy of this report and recommendation by overnight mail to their last known addresses and provide proof of mailing to the court. Finally, I respectfully recommend that the clerk be directed to note the default of any defendant who does not respond to this order as directed above by February 28, 2006.

Any objections to the recommendations in this report must be filed with the Clerk of the Court and the Chambers of the Honorable Carol B. Amon within ten days of receiving this Report and Recommendation, and in any event no later than March 3, 2006. Failure to file timely objections may waive the right to appeal the District Court's Order. See 28 U.S.C. §636(b)(2); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

\_\_\_\_\_/s/\_\_\_\_\_  
STEVEN M. GOLD  
United States Magistrate Judge

Brooklyn, New York  
February 15, 2006  
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